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December 23, 2022

VIA ECF

The Honorable Karen M. Williams
U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building
& U.S. Courthouse
4th & Cooper Streets
Camden, New Jersey 08101

Re: Siegel, et al. v. Platkin, et al.
Civil Action No.: 1:22-cv-07463-KMW-AMD

**LETTER MOTION IN SUPPORT OF PLAINTIFFS' MOTION FOR EMERGENT AND
EXPEDITED BRIEFING AND HEARING SCHEDULE FOR PLAINTIFFS' MOTION
FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Dear Judge Williams:

We represent Plaintiffs in the above referenced matter.

We submit this letter in support of Plaintiffs' motion for an expedited and emergent briefing and hearing schedule for their motion for a temporary restraining order and preliminary injunction.

The filed papers in this matter demonstrate that Assembly Bill A4769, signed into law by Governor Phil Murphy on December 22, 2022 blatantly violates the clear ruling of the United States Supreme Court in *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111

The Honorable Karen M. Williams

December 23, 2022

Page 2

(2022) and immediately and severely infringes on Plaintiffs' fundamental rights under the First, Second, and Fourteenth Amendments to the United States Constitution.

In addition to immediately having their constitutional rights infringed, Plaintiffs and all other current carry permit holders throughout the State are now suddenly rendered utterly defenseless against exactly the type of risk of violent crime the *Bruen* decision makes clear the Second Amendment is designed to protect against.

This sudden drastic change in the status quo urgently calls for an expedite briefing and hearing schedule.

Plaintiffs have filed a Complaint (ECF NO. 1) and will be filing their motion for a temporary restraining order and preliminary injunction later today.

Because of the immediate and ongoing irreparable constitutional injury they are now suffering, as well as the danger to life and safety they are facing right now by being prevented from lawfully carrying handguns for self-defense pursuant to their valid Handgun Carry Permits, Plaintiffs urgently need an expedited briefing and hearing schedule and propose the following:

- a) Plaintiffs to file their Motion for Temporary Restraining Order and Preliminary Injunction today, December 23, 2022;
- b) Defendants' papers to be filed and served no later than December 29, 2022;
- c) Plaintiffs' reply papers to be filed and served no later than January 3, 2023;
- d) TRO oral argument to be held on a date during the week of January 3, 2023;
- e) Preliminary injunction briefing and hearing schedule to be set by the Court thereafter.

The Honorable Karen M. Williams

December 23, 2022

Page 2

In light of the urgent constitutional injury and danger to life safety being suffered by Plaintiffs, this proposed schedule is fair to Defendants and is also consistent with TRO schedules in similar cases in the Northern District of New York and the Western District of New York.

In *Antonyuk v. Hochul*, 1:22-cv-00986-GTS-CFH (N.D.N.Y), a case challenging a New York law very similar to the law being challenged in this case, the Court afforded the Defendants six days to submit opposition papers to the TRO application of the Plaintiffs. *See* ECF Nos. 6, 17, and 18.

In *Hardaway v. Nigrelli*, 1:22-cv-00771-JLS (W.D.N.Y), another case challenging that same New York law, the Court afforded the Defendants *five* days to submit opposition papers to the TRO application of the Plaintiffs. *See* ECF Nos. 9, 25, 27, and 28.

Therefore, six days for these Defendants to submit opposition is fair.

Further, Defendants cannot complain about the holidays because the State of New Jersey chose the timing. The Governor could have waited until after the holidays to sign the bill which is the subject of this lawsuit, but he chose to do so yesterday, December 22, right before the Christmas weekend. Significantly, the Governor chose to make these Plaintiffs, especially the two church member Plaintiffs, Timothy Varga and Nicole Cuzzo and their churches, defenseless on Christmas.

Defendants have had notice of this lawsuit since on or about December 14, 2022. On that day I wrote to Assistant Attorneys General Daniel Vannella and Stuart Feinblatt, both of whom I know from other Second Amendment cases in this court, and I told them that this lawsuit would be filed immediately and that we would be seeking a TRO. I requested that they let me know whom I could serve with emergent papers. .

I also spoke on the telephone with Mr. Feinblatt on December 16, 2022 as well.

The Honorable Karen M. Williams

December 23, 2022

Page 2

On December 20, 2022, Mr. Vannella notified me by email that I should serve our emergent papers by email on Deputy Attorney General Angel Cai.

Yesterday, December 22, 2022, I e-mailed our Summons and Complaint not only to Ms. Cai but also to Mr. Vannella and Mr. Feinblatt. Further, I notified Ms. Cai that we would be filing our Motion for a Temporary Restraining Order and Preliminary Injunction today.

Respectfully submitted,

s/ Daniel L. Schmutter
DANIEL L. SCHMUTTER

DLS/ars

cc: Stuart M. Feinblatt, Esq.(via email)
Daniel Vannella, Esq. (via email)
Angela Cai, Esq. (via email by consent)